

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRODERICK HODGE,

Plaintiff,

v.

COREY GRAHN, et al.,

Defendants.

Case No. 1:18-cv-359

HON. JANET T. NEFF

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ORDER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendants Surbine Aiken and Unknown Nicholason filed a motion for summary judgment (ECF No. 23). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on January 7, 2019, recommending that this Court grant in part and deny in part the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 43) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 23) is GRANTED IN PART AND DENIED IN PART. Specifically, Plaintiff's claims against Defendant Aiken are dismissed for failure to state a claim or, in the alternative, for failure to exhaust administrative remedies. Plaintiff's claims against Defendant Nicholason are dismissed

for failure to exhaust administrative remedies except for Plaintiff's claim that Nicholson's actions on June 4, 2017, constituted deliberate indifference to his serious medical needs.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Dated: February 6, 2019

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge